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Attorney For Plaintiffs, TIMOTHY LOSACCO and FLORENCE LOSACCO

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TIMOTHY LOSACCO, an individual;
FLORENCE LOSACCO, an individual,

Plaintiffs,

vs.

FREMONT INVESTMENT & LOAN, a
California corporation; and DOES 1-10,
inclusive,

Defendant(s).

Case No. 08cv0810JM (POR)

**NOTICE OF WITHDRAWAL
OF APPLICATION FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

**TO: DEFENDANT, FREMONT INVESTMENT & LOAN, AND, ITS ATTORNEY(S) OF
RECORD:**

PLEASE TAKE NOTICE THAT Plaintiffs hereby withdraw their application for a Preliminary Injunction enjoining Defendant and its servicers, agents, assigns, employees, officers, attorneys, and representative from engaging in or performing any act to deprive Plaintiff of ownership or possession of the real property located at 804 Begonia Street, Escondido, California 92027 (hereinafter the "Property"), including but not limited to instituting, prosecuting, or maintaining

1 foreclosure or sale proceedings on the Property, from recording any deeds or mortgages regarding the
2 Property or from otherwise taking any steps whatsoever to deprive Plaintiffs of ownership in the
3 Property, and in particular from proceeding with any sale of the Property based on the Notice of
4 Trustee's Sale dated May 15, 2008.

5 Attorneys for Defendant have confirmed that the pending foreclosure sale on the
6 Property has been postponed for 30 days while the parties attempt to restructure the loan. A copy of
7 the confirmation letter is herein attached and incorporated by reference as Exhibit "NOW-A".
8

9 On the grounds that the pending sale on the Property has been postponed for 30 days,
10 the application for a Temporary Restraining Order is moot at this time, Plaintiffs seek to withdraw
11 their current application without prejudice to file another application for a TRO and a Preliminary
12 Injunction in the future, if necessary.

13 Dated: May 13, 2008
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15 /s/ Deborah L. Raymond
16 Deborah L. Raymond, Esq.
17 Attorney for Plaintiffs
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May 12, 2008

**SENT VIA FIRST CLASS MAIL
AND BY FACSIMILE TO (858) 724-0747**Deborah L. Raymond, Esq.
Law Offices of Deborah L. Raymond
380 Stevens Avenue, Suite 205
Solana Beach, CA 92075**Re: Losacco v. Fremont Investment & Loan**Case No: 08cv 0810JM(POR)
Our File No: 8116-

Dear Ms. Raymond:

Pursuant to our conversation of this date this will confirm that my client has agreed to extend the foreclosure sale for 30 days while the parties attempt to restructure the loan. This will also confirm that you agreed to contact the court to take the May 15, 2008, hearing for the TRO off calendar.

If this does not comport to your understanding of our discussion please contact me immediately.

Very truly yours,

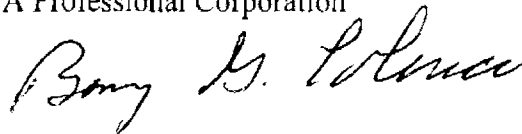
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EXHIBIT "NOW-A"